

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**SOUTHERN DIVISION**

**U.S.A. vs. Emmett Madison Graham, Jr**

**Docket No. 7:97-CR-98-1F**

**Petition for Action on Supervised Release**

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Emmett Madison Graham, Jr, who, upon a finding of guilt by jury to 21 U.S.C. § 846, Conspiracy to Possess with Intent to Distribute Marijuana, 21 U.S.C. § 841(a)(1) Possession With intent to Distribute Marijuana, 18 U.S.C. § 924(c)(1) and 2, Aiding and Abetting Using and Carrying a Firearm during a Drug Trafficking Crime, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on September 14, 1998, to the custody of the Bureau of Prisons for a term of 210 months. On August 7, 2001, pursuant to 18 U.S.C. § 2255, the term of imprisonment was reduced to 175 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall pay a \$150 special assessment, and a \$10,200, fine without interest.

Emmett Madison Graham, Jr was released from custody on December 23, 2010, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

Emmett Graham has been on supervision for 3 ½ years and incurred no violations since his release. He is 69 years old and continues to suffer from various health problems including a chronic lung condition and an aortic aneurysm, both of which may require surgery in the near future. Despite

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his physical condition, he continues to live and work on a small farm by himself growing and selling chickens, pigs, and eggs to supplement his social security income. However, on June 25, 2014, he submitted to urine testing and the result was positive for cocaine. He denied knowingly ingesting cocaine, but admitted to playing cards with some individuals that possibly could have given him some cocaine without his knowledge. However, the result was confirmed by laboratory analysis. He was admonished for such behavior and agreed to resume drug testing and treatment and serve two days in jail. Therefore we would recommend the court continue supervision and impose a two day jail sanction to address this violation.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ John A. Cooper  
John A. Cooper  
U.S. Probation Officer  
Phone: 910-815-4857  
Executed On: August 4, 2014

**ORDER OF COURT**

Considered and ordered this 4<sup>th</sup> day of August, 2014, and ordered filed and made a part of the records in the above case.

James C. Fox  
James C. Fox  
Senior U.S. District Judge